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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,062	05/10/2002	A Satyanarayan Naidu	50046290-0007	9560

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EXAMINER

RUSSEL, JEFFREY E

ART UNIT	PAPER NUMBER
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1654

DATE MAILED: 06/30/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Offic Action Summary	Application No.	Applicant(s)	
	09/980,062	NAIDU, A SATYANARAYAN	
	Examiner Jeffrey E. Russel	Art Unit 1654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 28 November 2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-49, 51 and 56-202 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-49, 51 and 56-202 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ . |

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1. In the claims originally filed with the application, there were no claims numbered 75, 76, or 77. Under 37 CFR 1.126, originally-numbered claims 78 through 205 have been re-numbered by the examiner as claims 75-202, respectively. Any future reference to these claims will use their re-numbered claim numbers. In the response to this Office action, Applicant is required to correct all claim dependencies in these re-numbered claims by appropriate amendment in order to reflect the new claim numbering.
2. The claim for priority inserted at page 1, lines 5-6, of the specification by the preliminary amendment filed November 28, 2001 is objected to because it is not the first sentence of the specification. Further, the claim for priority is objected to because it does not use appropriate language for claiming the benefit of a PCT application under 35 U.S.C. 371 and because it does not use appropriate language for claiming the benefit of a non-provisional application (e.g., continuation, divisional, continuation-in-part). See MPEP 201.11 (III). Correction is required.
3. Claims 4, 28-30, 37, 86-88, 99, and 100 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. There is no antecedent basis in the claims for the phrase "the naturally occurring substrate not including gelatin" at claim 4, lines 1-2. The independent claim does not mention gelatin nor does it exclude its presence from the naturally occurring substrate. There is no antecedent basis in the claims for the phrase "the aqueous solution" at claim 28, line 1. Note that claim 18 does not mention aqueous solutions. It is possible that claim 28 should instead depend upon claim 22. There is no antecedent basis for the phrase "The composition in accordance with claim 29" at claim 30, line 1. Note that claim 29 is drawn to a method, not a composition. At claim 37, line 3, "or" should be changed to "and" so

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that standard Markush terminology is used. There is no antecedent basis in the claims for the phrase "the composition" at claim 86, line 1. Independent claim 85 does not use the terminology "composition". Claims 99 and 100 are dependent upon subsequent claim 121, which in any event is not drawn to a food container or food-handling implement. It may be that claims 99 and 100 should instead depend upon claim 98.

4. Claims 6, 36, 39, 80, 87, 88, 99, 100, 146, 155, and 163 are objected to because of the following informalities: At claim 6, line 2, "immobilized" is misspelled. At claim 36, line 1, "the" should be inserted before "species". At claim 39, line 1, "of" should be inserted before "lactoferrin". At claim 80, line 1, "the" should be inserted before "species". At claims 87 and 88, line 1 of each claim, "meat product" (first occurrence) should be changed to "foodstuff", consistent with the preamble of claim 85. In claim 99, lines 3 and 4, "a cup" is repeated. At claim 100, line 2, "a" should be deleted. At claim 146, line 2, a space should be inserted between "a" and "non". At claim 155, line 1, the semicolon should be changed to a comma. At claim 163, line 4, a space should be inserted between "a" and "4". Appropriate correction is required.

5. Claim 88 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 88, dependent upon a claim which requires the meat products to be derived from beef, pork or poultry, recites meat products which are not derived from these sources. It is possible that claim 88 should instead depend upon claim 86.

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6. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-49, 51, and 56-202 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-80 of U.S. Patent No. 6,172,040. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of the '040 patent anticipate instant claims 1-49, 51, 56-92, and 101-148. Note also that intended use limitations do not impart patentability to composition claims where the composition is otherwise anticipated by or obvious over the prior art. With respect to instant claims 93-100 and 149-202, the '040 patent claims reducing the contamination of compositions subject to microbial contamination generally, and it would have been obvious to one of ordinary skill in the art to subject any known composition to the decontaminating compositions claimed in the '040 patent because of the desirability of decontaminating compositions and because of the general applicability of the '040 patent's claimed methods and compositions.

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

For the purposes of this invention, the level of ordinary skill in the art is deemed to be at least that level of skill demonstrated by the patents in the relevant art. Joy Technologies Inc. v. Quigg, 14 USPQ2d 1432 (DC DC 1990). One of ordinary skill in the art is held accountable not only for specific teachings of references, but also for inferences which those skilled in the art may reasonably be expected to draw. In re Hoeschele, 160 USPQ 809, 811 (CCPA 1969). In addition, one of ordinary skill in the art is motivated by economics to depart from the prior art to reduce costs consistent with desired product properties. In re Clinton, 188 USPQ 365, 367 (CCPA 1976); In re Thompson, 192 USPQ 275, 277 (CCPA 1976).

8. Claim 1-3, 5, 11, 18-20, 22, 28, 31, 101-104, 106, 115, 119-129, 131, 132, 134, 136-138, 142-151, 153, 197, and 200-202 are rejected under 35 U.S.C. 102(b) as being anticipated by the Russian Patent 2,099,065. The Russian Patent '065 teaches a gel comprising lactoferrin, gelatin, and Na phosphate buffer. A gel is a colloid. The gel is administered to the oropharyngeal zone of a patient being given chemo-radiation therapy for tumors. Because the same components are present in the same defined dispersion, inherently the lactoferrin in the gel of Russian Patent '065 will be immobilized via its N-terminus to the gelatin to the same extent claimed by Applicant. Because the same composition is being administered to the same patient by the same method steps, inherently microbial contamination of the oropharyngeal zone will be reduced in

the method of the Russian Patent '065 to the same extent claimed by Applicant. Sufficient evidence of similarity is deemed to be present between the composition of the Russian Patent '065 and Applicant's claimed composition to shift the burden to Applicant to provide evidence that the claimed composition is unobviously different than the composition of the Russian Patent '065. With respect to instant claim 102, the liquid (which will be water) present in the gel of the Russian Patent '065, and the gelatin present in the gel of the Russian Patent '065, correspond to Applicant's pharmaceutically acceptable carrier. With respect to instant claim 104, an intended use limitation does not impart novelty or nonobviousness to a composition claim which is otherwise anticipated by or obvious over the prior art. With respect to instant claims 120-129, 131, 132, 134, 136-138, and 142-148, note that an intended use limitation does not impart patentability to composition claims where the composition is otherwise anticipated by or obvious over the prior art, and that these claims do not structurally or functionally limit the claimed compositions so as to distinguish over those taught by the Russian Patent '065. With respect to instant claims 197 and 200-202, the oropharyngeal zone is also a biological surface and an epithelial or mucosal surface.

9. Claims 1, 2, 11, 18, 19, 28, 31, 38, 39, 101-103, 119-124, 126-129, 131, 132, 134, 142-148, 197, and 200 are rejected under 35 U.S.C. 102(b) as being anticipated by the WO Patent Application 91/13982. The WO Patent Application '982 teaches lactoferrin in combination with stearic acid (which is a lipid and also corresponds to Applicant's pharmaceutically acceptable carrier of claim 102) or its salts. The composition is used as an antiseptic. Lactoferrin concentrations on the surfaces to be treated are 0.1-1 mg/6 cm² (approximately equal to 0.1-1 mg/in²). Buffers can be present in the antiseptic compositions of the reference. See, e.g., page 7,

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line 30 - page 9, line 24. Because the same components are present in the same defined dispersion, inherently the lactoferrin in the composition of the WO Patent Application '982 will be immobilized via its N-terminus to the stearic acid to the same extent claimed by Applicant. Sufficient evidence of similarity is deemed to be present between the composition of the WO Patent Application '982 and Applicant's claimed composition to shift the burden to Applicant to provide evidence that the claimed composition is unobviously different than the composition of the WO Patent Application '982. With respect to instant claims 101, 122-124, 126-129, 131, 132, 134, and 142-148, note that an intended use limitation does not impart patentability to composition claims where the composition is otherwise anticipated by or obvious over the prior art, and that these claims do not structurally or functionally limit the claimed compositions so as to distinguish over those taught by the WO Patent Application '982.

10. Claims 149-151, 153, 164, 171-173, 175, 186, and 193-195 are rejected under 35 U.S.C. 103(a) as being obvious over the WO Patent Application 91/13982. Application of the WO Patent Application '982 is the same as in the above rejection of claims 1, 2, 11, 18, 19, 28, 31, 38, 39, 101-103, 119-124, 126-129, 131, 132, 134, 142-148, 197, and 200. The WO Patent Application '982 teaches administering its antiseptics to mammals, but does not particularly teach treating humans or non-human vertebrates. It would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to use the antiseptic compositions of the WO Patent Application '982 to treat both human and non-human mammals because it is desirable to treat both human and non-human mammals with antiseptics and because the activity of the antiseptic compositions of the WO Patent Application '982 would not have been expected

to be affected by the subject being treated, but rather would have been expected to have general utility regardless of where the source of microbial contamination is found.

11. Claims 1, 2, 5, 18, 19, 22, 31, 101-103, 106, 115-117, 119-124, 126-129, 131-132, 134, 136, 142-151, 153, 164, 171-173, 175, 186, 193-197, and 200-202 are rejected under 35 U.S.C. 102(b) as being anticipated by the European Patent Application 753,309. The European Patent Application '309 teaches compositions comprising lactoferrin and carriers such as paraffin oil and Vaseline (which are lipids), xanthan gum and corn starch (which are polysaccharides), and lecithin (which is an emulsifier). The compositions are in the form of ointments, creams, gels, and powders. The compositions are used to prevent or treat viral infections on the skin or mucosae of humans or animals. See, e.g., the Abstract; Examples 5-8; and claim 1. Because the same components are present in the same defined dispersion, inherently the lactoferrin in the composition of the European Patent Application '309 will be immobilized via its N-terminus to the paraffin oil, Vaseline, xanthan gum, and corn starch to the same extent claimed by Applicant. Sufficient evidence of similarity is deemed to be present between the composition of the European Patent Application '309 and Applicant's claimed composition to shift the burden to Applicant to provide evidence that the claimed composition is unobviously different than the composition of the European Patent Application '309. With respect to instant claim 101, an intended use limitation does not impart patentability to product claims which are otherwise anticipated by or obvious over the prior art.

12. Claims 38 and 39 are rejected under 35 U.S.C. 103(a) as being obvious over the European Patent Application 753,309. Application of the European Patent Application '309 is the same as in the above rejection of claims 1, 2, 5, 18, 19, 22, 31, 101-103, 106, 115-117, 119-

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124, 126-129, 131-132, 134, 136, 142-151, 153, 164, 171-173, 175, 186, 193-197, and 200-202.

The European Patent Application '309 does not teach a lactoferrin/surface area ratio for the surfaces to be treated. It would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to determine all operable and optimal doses for the lactoferrin-containing compositions of the European Patent Application '309 because dose is an art-recognized result-effective variable which is routinely determined and optimized in the pharmaceutical arts.

13. Claims 1, 2, 5, 18, 19, 22, 31, 32, 101-103, 106, 115, 119-124, 126-129, 131-136, 142-151, 153, 159, 162-165, 171-173, 175, 181, 184-187, 193-197, and 200-202 are rejected under 35 U.S.C. 102(b) as being anticipated by the European Patent Application 753,308. The European Patent Application '308 teaches compositions comprising lactoferrin and peppermint oil, gum base and corn starch (which are polysaccharides), glucose, and additional antibiotic compounds such as erytromycin and ampicillin. The compositions are in the form of gargles, aqueous solutions, chewing gum, and powders. The compositions are used to prevent or treat bacterial infections such as by *S. aureus* and *S. pyogenes* on the skin or mucosae of humans or animals. See, e.g., the Abstract; Examples 5-8; and the claims. Because the same components are present in the same defined dispersion, inherently the lactoferrin in the composition of the European Patent Application '308 will be immobilized via its N-terminus to the peppermint oil, gum base, and corn starch to the same extent claimed by Applicant. Sufficient evidence of similarity is deemed to be present between the composition of the European Patent Application '308 and Applicant's claimed composition to shift the burden to Applicant to provide evidence that the claimed composition is unobviously different than the composition of the European

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Patent Application '308. With respect to instant claim 101, an intended use limitation does not impart patentability to product claims which are otherwise anticipated by or obvious over the prior art.

14. Claims 38 and 39 are rejected under 35 U.S.C. 103(a) as being obvious over the European Patent Application 753,308. Application of the European Patent Application '308 is the same as in the above rejection of claims 1, 2, 5, 18, 19, 22, 31, 32, 101-103, 106, 115, 119-124, 126-129, 131-136, 142-151, 153, 159, 162-165, 171-173, 175, 181, 184-187, 193-197, and 200-202. The European Patent Application '308 does not teach a lactoferrin/surface area ratio for the surfaces to be treated. It would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to determine all operable and optimal doses for the lactoferrin-containing compositions of the European Patent Application '308 because dose is an art-recognized result-effective variable which is routinely determined and optimized in the pharmaceutical arts.

15. Claims 1-3, 5, 18-20, 22, 31, 32, 102-104, 106, 115, 119, 124, 137, 138, 142-150, 154, 164, and 165 are rejected under 35 U.S.C. 102(e) as being anticipated by Kruzel et al (U.S. Patent No. 6,066,469). Kruzel et al teach nutritional supplements comprising lactoferrin in combination with adjuvants or diluents such as cellulose, starch, gelatin, tragacanth, and sodium carboxymethylcellulose. Lactoferrin acts to treat or prevent bacterial, viral, and fungal infections, such as *S. pneumoniae* infections. See, e.g., column 6, lines 40-56, and column 8, line 47 - column 9, line 7. Because the same components are present in the same defined dispersion, inherently the lactoferrin in the nutritional supplements of Kruzel et al will be immobilized via its N-terminus to the carriers or diluents to the same extent claimed by

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Applicant. Sufficient evidence of similarity is deemed to be present between the compositions of Kruzel et al and Applicant's claimed composition to shift the burden to Applicant to provide evidence that the claimed composition is unobviously different than the compositions of Kruzel et al. With respect to instant claims 144-148, an intended use does not impart patentability to composition claims where the composition is otherwise anticipated by or obvious over the prior art.

16. Claims 1-3, 5, 11, and 98-101 are rejected under 35 U.S.C. 102(b) as being anticipated by the Harper et al text in view of Okonogi et al (U.S. Patent No. 4,791,193). The instant claims are inherently anticipated by milk and the drinking of milk. The Harper et al text teaches that milk inherently comprises casein, triglycerides, lactose (a disaccharide comprising galactose), α -lactalbumin, IgA, lysozyme, and nucleic acids in an aqueous solution. The Harper et al text also teaches that milk inherently comprises citrate, phosphate, and carbonate buffer salts. Okonogi et al teach that lactoferrin is inherently present in milk (see column 1, lines 11-25). Because the same components are present in the same aqueous solution, inherently the lactoferrin in milk will be immobilized on the casein, triglycerides, lactose, α -lactalbumin, IgA, lysozyme, and nucleic acids which are inherently present in milk to the same extent claimed by Applicant. Sufficient evidence of similarity between the milk of the Harper et al text and Applicant's claimed composition is deemed to be present to shift the burden to Applicant to demonstrate that the claimed composition is unobviously different than that of milk. The drinking of milk brings the immobilized lactoferrin into contact with the mouth and oral cavity, which is inherently subject to microbial contamination. Because the same immobilized lactoferrin-containing composition is being applied to the same composition subject to microbial contamination, inherently

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microbial contamination will be reduced to the same extent claimed by Applicant. Note that the rejected claims do not require lactoferrin to be present in isolated form. With respect to instant claims 98-100, these claims are inherently anticipated by milk which occurs in cartons, bowls, cups, and bottles. With respect to instant claim 101, an intended use does not impart patentability to composition claims where the composition is otherwise anticipated by or obvious over the prior art.

17. Claims 1-3, 5, 11, and 98-101 are rejected under 35 U.S.C. 102(b) as being anticipated by the Harper et al text in view of Okonogi et al as applied against claims 1-3, 5, 11, and 98-101 above, and further in view of the Naidu et al article (Env. Nutr. Interactions, Vol. 2, pages 35-50). The Naidu et al article teaches that lactoferrin complexes with casein, α -lactalbumin, lysozyme, and IgA (see page 45, first full paragraph), and thus is further evidence that the milk of the Harper et al text inherently comprises immobilized lactoferrin. The Naidu et al article teaches that lactoferrin blocks the growth of *B. subtilis*, *E. coli*, *S. dysenteriae*, and *C. albicans* (see the paragraph bridging pages 38 and 39), and thus is further evidence that drinking the milk of the Harper et al text inherently will reduce microbial contamination by these microbes.

18. The WO Patent Application 91/13982 is not applied against claims 32-37 or to other claims specifying the same specific microbes. The specific microbes recited in the claims are not inherently present on the surfaces or mammals treated by the WO Patent Application 91/13982, and therefore the surfaces or mammals will not inherently be decontaminated of these specific microbes in the method of the WO Patent Application '982. Further, the WO Patent Application '982 does not provide any suggestion or reasonable expectation that its compositions can be used to decontaminate these specific microbes. The WO Patent Application '982 is not applied

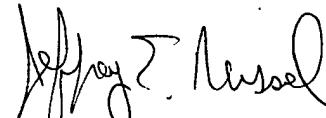
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against any of the claims directed to foodstuffs or methods of treating foodstuffs. The only composition taught by the WO Patent Application '982 which meets Applicant's claim requirement of lactoferrin immobilized by its N-terminus to a naturally occurring substrate is an antiseptic composition comprising lactoferrin and stearic acid or its Mg or Ca salts (see page 8, lines 3-6). The other compositions taught by the WO Patent Application '982 do not inherently have lactoferrin immobilized by its N-terminus, and the WO Patent Application '982 does not suggest immobilizing lactoferrin by its N-terminus. There is no teaching or suggestion in the WO Patent Application '982 to use this lactoferrin-stearic acid composition to treat foodstuffs. The composition's disclosed use is as an antiseptic rather than as a foodstuff, and the WO Patent Application '982 does not provide any motivation to choose a stearic acid-based composition to treat foodstuffs.

Kruzel et al (U.S. Patent No. 6,066,469 - see especially column 5, line 62 - column 9, line 39) is essentially duplicative of the WO Patent Application 91/13982 with respect to its disclosure of antiseptics and to the treatment of foodstuffs.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey E. Russel at telephone number (703) 308-3975. The examiner can normally be reached on Monday-Thursday from 8:30 A.M. to 6:00 P.M. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Brenda Brumback can be reached at (703) 306-3220. The fax number for Art Unit 1654 for formal communications is (703) 305-3014; for informal communications such as proposed amendments, the fax number (703) 746-5175 can be used. The telephone number for the Technology Center 1 receptionist is (703) 308-0196.



Jeffrey E. Russel
Primary Patent Examiner
Art Unit 1654

JRussel